

ORDINANCE NO 8-13

AN ORDINANCE AMENDING SECTION 14-27 AND ADDING SECTION 14-33 TO THE FORT SMITH MUNICIPAL CODE TO AUTHORIZE URBAN DEER HUNTS WITHIN THE CITY LIMITS UNDER SPECIFIED CONDITIONS.

WHEREAS, the Board of Directors of the City of Fort Smith, Arkansas, has determined that, with the continued growth of the City in and around Chaffee Crossing, an increased deer population has created problems which threaten the health, safety, and general welfare of the citizens and residents of the City of Fort Smith; and,

WHEREAS, the Board of Directors of the City of Fort Smith, Arkansas, has determined that allowing the hunting of deer within the City's corporate limits, at specified times, by use of specified archery, will protect the health, safety, and general welfare of the citizens and residents of the City of Fort Smith, Arkansas,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH:

SECTION 1: Section 14-27(a) of the Fort Smith Municipal Code shall be amended as set forth below: additionally, subsection (e) shall be added as provided below:

(a) It shall be unlawful to discharge any firearm in the city limits, except as provided in subsections (b), (c), (d), and (e).

(e) The chief of police shall have authority to authorize the City's participation in Urban Deer Hunts in partnership with the Arkansas Game and Fish Commission and the Arkansas Bowhunters Association under the Arkansas Game and Fish Commission's protocols as provided in Section 14-33 of the Fort Smith Municipal Code.

SECTION 2: The Fort Smith Municipal Code shall be amended to add Section 14-33 which shall read as follows:

The hunting of deer with longbows, recurve bows, or compound bows inside corporate limits of the City shall be allowed during that period of time authorized by the Arkansas Game and Fish Commission for an archery season, subject to the following conditions and restrictions:

(a) Each hunter must be at least sixteen (16) years of age and possess a valid Arkansas big game license.

(b) Each hunter must possess a valid Urban Bowhunting Permit issued by Arkansas Game and Fish Commission.

(c) No hunting inside the city's corporate limits will be allowed or authorized within fifty (50) yards of any residences, houses, schools, day care centers, public trails, golf courses, parks, utility installations or paved roads.

(d) Each year in which an urban deer hunt is authorized, the chief of police shall identify areas on a map of the city where it is permissible to bow hunt with written permission of the owner of any private property designated as an authorized hunt area. If the City identifies such areas, these will be for informational purposes only and the hunter must actually have written permission from the owner of the applicable land that the hunter designates as the area of the intended hunt. Such written permission must be in the hunter's possession at all times while hunting inside the City's corporate limits.

(e) Only longbows, recurve bows or compound bows of at least forty (40) pounds draw weight may be used to hunt deer inside the city's corporate limits. Broadheads must be used and must be at least 7/8ths of an inch in size. Special consideration for the use of crossbows by hunters with disabilities may be approved by the chief of police.

(f) Hunters may hunt only from stands elevated at least ten (10) feet off the ground. Hunting while walking, stalking or from ground blinds is absolutely prohibited. Hunting with dogs is also prohibited.

(g) Except as modified by this ordinance, all Arkansas Game and Fish Commission rules and regulations, including bag limits, will apply.

(h) The first deer harvested by each permitted hunter during the authorized archery season must be a doe.

(i) Permitted hunters are encouraged to donate some of the deer harvested to Arkansas Hunters Feeding the Hungry or other charitable non-profit organizations that assist the hungry or homeless.

(j) If it is reasonable to do so, all harvested deer should be removed during daylight hours.

(k) Each violation of any condition contained in this ordinance shall be deemed a misdemeanor, and upon conviction thereof, punishable by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00). Any archery equipment or other hunting equipment in possession of the hunter when cited or arrested for a violation of any condition contained in this ordinance shall be seized by law enforcement as evidence and upon conviction shall be subject to forfeiture by the court as contraband.

SECTION 3: All ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of the conflict.

Ordinance No. 8-13

PASSED AND APPROVED THIS 19th DAY OF February, 2013.

APPROVED:



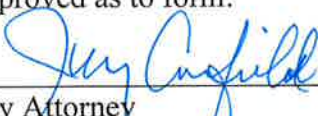
Vice-Mayor

ATTEST:



City Clerk

Approved as to form:



City Attorney
Publish One Time